

City of Bethel, Alaska

City Council Minutes

July 12, 2005

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on July 12, 2005, at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Dymment called the meeting to order at 6:31 p.m.

ROLL CALL

Comprising a quorum of the Council, the following were present:

Andy McGowan	David E. Trantham
R. Thor Williams	Hugh Dymment
Stanley "Tundy" Rodgers	Yolonda Jorgensen
Dan Leinberger	

Also in attendance were the following:

Wally Baird, City Manager
Sandra Modigh, City Clerk

PEOPLE TO BE HEARD

1. John Dickens addressed Council to request their support on Ordinance #05-13 related to the change in City Animal Fees and Charges.
2. Willie Keppel addressed Council to state his position on the road through donut hole. Mr. Keppel also stated that everything has been changed behind closed doors (in regards to the BNC Agreement) and suggested Council revisit the matter.

APPROVAL OF THE CONSENT AGENDA AND REGUALR AGENDA

MOVED:	Leinberger	To approve the Consent and Regular Agenda for the June 28, 2005 meeting as amended, removing Ordinance 05-11 (B), Ordinance 05-08, Ordinance 05-08, Resolution 05-26, and Resolution 05-27 from the consent agenda also moving Port Tariff Increases from unfinished business to new business.
SECONDED:	McGowan	
VOTE ON MAIN MOTION	Passed	Council concurrence

APPROVAL OF MINUTES

*6/28/05 Regular Meeting Minutes

Meeting Minutes as amended approved under the consent agenda

REPORTS OF STANDING COMMITTEES

Parks & Recreation Committee (Council Member Jorgensen): Council Member Jorgensen reported that the Committee has not met since the last Council Meeting. The Committee's next meeting will be on 7/19/05.

Public Works Committee (Council Member Leinberger): Council Member Leinberger reported that the Committee has not met since the last Council Meeting. The Committee's next meeting will be on 7/19/05.

Planning Commission (Council Member Rodgers): Council Member Rodgers reported that the Committee has not met since the last Council Meeting. The Commission next meeting will be on 7/14/05.

Senior Advisory Board: Council Member Williams reported that the Board has decided not to meet until the Senior Center Transfer has been approved.

Council Member Trantham stated that he felt it would be appropriate to have a transfer ceremony for the Senior Advisory Board.

Port Commission (Council Member Williams): Council Member Williams reported that the Committee has not met since the last Council Meeting. The Commission will meet next on 7/18/05.

Public Safety & Transportation Commission (Mayor Dymont): Mayor Dymont reported that due to a lack of a quorum the Commission could not conduct their meeting on July 11th.

Finance Committee (Council Member McGowan): Council Member McGowan reported that the Committee has not met since the last Council Meeting. The Committee will meet next on 7/28/05.

Community Cemetery Planning Committee (Council Member Trantham): Council Member Trantham reported that the Committee's first meeting will take place on 7/14/05. Council Member Trantham reminded all Committee Members to complete their Oath of Office prior to the meeting.

Council Member Trantham advised Council and the public that the AML Mayor's Conference will be in Skagway in August '05.

Council requested the City Clerk ensure a recorder attends the meeting.

UNFINISHED BUSINESS

Item A- Public Hearing of Ordinance #05-11 (A): An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2005-06 Budget

Public Hearing: *None*

MOVED:	Williams	To adopt Ordinance #05-11 (A): An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2005-06 Budget
SECONDED:	Trantham	
<p>Acting Port Director Heath Martin addressed Council to discuss the budget modification related to the seawall repairs.</p> <p>Council directed the City Manager to research the lease agreement or deed related to the property below the Lions Club.</p> <p>Council Member Trantham requested Council concurrence to allow him to donate 5 pounds of white clover seeds to the Port Department.</p>		
VOTE ON MAIN MOTION	Passed	Council concurrence

Item B- Electrovote System

Council discussed the pros and cons of the City purchasing the electrovote system.

Most Council Members agreed the purchase is not necessary at this time.

Item C- Boys Group Home

Council Member Williams reminded Council that the City has taken over the building. Council Member Williams stated he would like the City to make a decision on what they would like to do with the property/building.

Council Member Jorgensen inquired about the building and whether the building is up to date with building codes and regulations.

MOVED:	Williams	To direct administration to send notice to NAPA Auto Parts and The Long House to remove their business items from property in 160 days.
SECONDED:	Rodgers	

MOVED:	Leinberger	To suspend the rules to allow public testimony.
SECONDED:	Rodgers	

VOTE ON SECONDARY MOTION	Passed	Council concurrence
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Willie Keppel addressed Council to speak on behalf of NAPA Auto Parts and their service to the community.

MOVED:	Trantham	To amend the motion to include a time frame of 120 days.
SECONDED:	Leinberger	

MOVED:	Rodgers	To amend the amendment to include a time frame of 60 days.
SECONDED:	Williams	

VOTE ON SECONDARY AMENDMENT	Passed	Roll call vote 5-2 (No: Jorgensen & McGowan)
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VOTE ON PRIMARY AMENDMENT		<i>Due to the secondary amendment passing, the primary amendment is null and void.</i>
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MOVED:	Leinberger	Move that the previous lessee shall remove its business assets from site sooner of 60 days from 7/13/05 or the 1 st day immediately preceding a lease with a new lessee, unless the previous lessee is awarded a new lease.
SECONDED:	Williams	

Meeting recessed from 7:55p until 8:06p

VOTE ON PRIMARY AMNEDMENT	Passed	Council voice vote of 6-1 (No: McGowan)
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VOTE ON MAIN MOTION	Passed	Roll call vote 6-1 (No: McGowan)
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MOVED:	Williams	To direct administration place an add in the local paper to advertise the Boys Group Home as a building/property the City is looking to lease.
SECONDED:	McGowan	
VOTE ON MAIN MOTION		
	Passed	Voice vote 6-1 (No: Rodgers)

NEW BUSINESS

Item A-Discussion of the Port Tariff Increases

Acting Port Director Martin addressed Council to discuss the Port Tariff Increases. Acting Port Director Martin provided Council a 4 year average of moorage fees.

Council discussed the Commissions ability to change tariff increases with or with out Council concurrence.

Item B-Introduction of Ordinance #05-11 (B): An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2005-06 Budget

MOVED:	Leinberger	To introduce Ordinance #05-11 (B): An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2005-06 Budget
SECONDED:	Jorgensen	
Acting Finance Director Walters addressed Council to explain Ordinance 05-11 (B).		
VOTE ON MAIN MOTION		
	Passed	Council concurrence

Meeting recessed from 8:52p until 9:02p

Item C-Introduction of Ordinance #05-13: An Ordinance adopting a change in the Animal Control Fees and Charges

MOVED:	Williams	To introduce Ordinance #05-13: An Ordinance adopting a change in the Animal Control Fees and Charges
SECONDED:	Rodgers	
VOTE ON MAIN MOTION		
	Passed	Council concurrence

Item D-Introduction of Substitute Ordinance #05-08: An Ordinance Amending Section 13.04.180 and Section 13.08.160 of the Bethel Municipal Code Related to the Minimum Water and Sewer Holding Tank Sizes

MOVED:	Williams	To introduce Substitute Ordinance #05-08: An Ordinance Amending Section 13.04.180 and Section 13.08.160 of the Bethel Municipal Code Related to the Minimum Water and Sewer Holding Tank Sizes
SECONDED:	Leinberger	
VOTE ON MAIN MOTION		
	Passed	Council concurrence

Item E-Resolution #05-26: A Resolution Authorizing the Establishment of a Retiree Rehire Program Consistent with State Legislation (HB 161) and the Opening Recruitment for Position of City Planner to PERS Retirees due to Shortage of Qualified Employees

MOVED:	Leinberger	To adopt Resolution #05-26: A Resolution Authorizing the Establishment of a Retiree Rehire Program Consistent with State Legislation (HB 161) and the Opening Recruitment for Position of City Planner to PERS Retirees due to Shortage of Qualified Employees
SECONDED:	Jorgensen	
VOTE ON PRIMARY AMENDMENT		
MOVED:	Rodgers	To postpone resolution #05-26 until the July 26 th Council Meeting.
SECONDED:	Leinberger	
VOTE ON MAIN MOTION		
		<i>Postponed until the 7/26/05 Council Meeting</i>

Item F- Resolution #05-27: A Resolution by the Bethel City Council Supporting a New Public Safety Building Housing the Bethel Police Department and Other Law Enforcement Agencies

MOVED:	Williams	To adopt Resolution #05-27: A Resolution by the Bethel City Council Supporting a New Public Safety Building Housing the Bethel Police Department and Other Law Enforcement Agencies as amended by Council concurrence to replace the word housing to accommodating.
SECONDED:	Leinberger	

Council, City Manager Baird, and Police Chief Dudley discussed the resolution and the funding for a new building.

MOVED:	Trantham	To place a period after the word department and strike out "and other law enforcement agencies."
SECONDED:	Rodgers	

VOTE ON PRIMARY AMENDMENT	Failed	Roll call vote 1-6 (Yes: Trantham)
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Grant Manager Sargent proposed using another word other than accommodate and to change other law enforcement agencies to possible other law enforcement agencies.

VOTE ON MAIN MOTION	Passed	Roll call vote 6-1 (No: Rodgers)
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Item G- Confirmation of Powers and Duties of a Non-Strong Mayor, BMC 2.04.080

Council Member Trantham stated that the community would like to understand the power of a strong vs. non-strong Mayor and the difference in responsibilities.

Item H-On-Site Attorney

MOVED:	Rodgers	To proceed in the hiring of an on-site City Attorney.
SECONDED:	Williams	
VOTE ON MAIN MOTION	Passed	Council concurrence

MOVED:	Williams	To suspend the rules to continue the meeting until 10:15p
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	Passed	Roll call vote 6-1 (No: Rodgers)

Mayor Dymant called a Special Meeting on 7/18/05 @ 6:30p in Council Chambers to interview the On-Site City Attorney Applicant.

Council requested the City Attorney Position Description be provided by the City Clerk for the interview of the applicant.

Mayor's Report

- Update from Mayor Dymant
- Letter from City Manager Wally Baird
- Letter from Governor Frank Murkowski
- Letter from Director of Alaska Division of Homeland Security and Emergency Management

Manager's Report

City Manager Baird reported the FY 2006 Designated Legislative Grants have arrived.

Clerk's Report

Clerk's Report passed on the consent agenda

COUNCIL MEMBER COMMENTS

Council Member Jorgensen:

- Smile more and say hello

Council Member Williams:

- Stated he appreciates working with Council, Administration, and the City Clerk
- Positive outlook for the community

Council Member Trantham:

- Stated it's a conflict of interest for him to discuss the letter provided to Council by Elizabeth Smith.
- Stated the only way the bootlegging and drug dealing problem can be solved is to team up together.
- Stated that now he is free he will do everything possible to make this City transparent.
- Our Legal cost is out of control.

Council concurred to appoint City Manager Baird to the Executive Board of the Learning Center

MOVED:	Williams	To suspend the rules to proceed until 10:30p
SECONDED:	McGowan	
VOTE ON MAIN MOTION	Passed	6-1 (No: Dymant)

Council Member McGowan:

- Welcomed new City Manager

Council Member Leinberger:

- Stated he disagrees with the public testimony regarding City Council having to revisit the TACAN situation and stated his reasons.
- Commented on a letter he received from a community member regarding a nuisance citation, stated it's the responsibility of the community to do the right thing for Bethel and yourself.

Vice-Mayor Rodgers:

- Condolences to the families that have lost loved ones in past few weeks.
- Hug an elder.

Mayor Dymant:

- Stated we are not involved in any litigation at this time

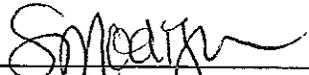
ADJOURNMENT

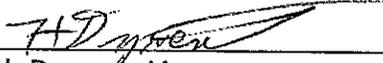
MOVED:	Jorgensen	To adjourn the meeting at 10:30p
SECONDED:	McGowan	
VOTE ON MAIN MOTION	Passed	6-1 (No: Williams)

With no further business before the Council, the meeting adjourned at 10:30p.

APPROVED THIS 26th DAY OF JULY, 2005.

ATTEST:


 Sandra Modigh, City Clerk


 Hugh Dymant, Mayor